

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 49c, 49c-1, 49e of this title; title 39 section 3202.

**§ 49d-1. Omitted**

## CODIFICATION

Section, act June 16, 1937, ch. 359, title IV, 50 Stat. 302, provided for reapportionment of unexpended appropriations.

**§ 49e. Allotment of funds**

(a) From the amounts appropriated pursuant to section 49d of this title for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this chapter in fiscal year 1983.

(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the Secretary shall allot the remainder of the sums appropriated and certified pursuant to section 49d of this title for each fiscal year among the States as follows:

(A) two-thirds of such sums shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

(B) one-third of such sums shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary.

(2) No State's allotment under this section for any fiscal year shall be less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this section, the Secretary shall determine the allotment percentage for each State (including Guam and the Virgin Islands) for fiscal year 1984 which is the percentage that the State received under this chapter for fiscal year 1983 of the total amounts available for payments to all States for such fiscal year. For each succeeding fiscal year, the allotment percentage for each such State shall be the percentage that the State received under this chapter for the preceding fiscal year of the total amounts available for allotments for all States for such fiscal year.

(3) For each fiscal year, no State shall receive a total allotment under paragraphs (1) and (2) which is less than 0.28 percent of the total amount available for allotments for all States.

(4) The Secretary shall reserve such amount, not to exceed 3 percent of the sums available for allotments under this section for each fiscal year, as shall be necessary to assure that each State will have a total allotment under this section sufficient to provide staff and other resources necessary to carry out employment service activities and related administrative and support functions on a statewide basis.

(5) The Secretary shall, not later than March 15 of fiscal year 1983 and each succeeding fiscal

year, provide preliminary planning estimates and shall, not later than May 15 of each such fiscal year, provide final planning estimates, showing each State's projected allocation for the following year.

(June 6, 1933, ch. 49, § 6, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct. 13, 1982, 96 Stat. 1393; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 105-220, title III, § 310, Aug. 7, 1998, 112 Stat. 1086.)

## PRIOR PROVISIONS

A prior section 49e, act June 6, 1933, ch. 49, § 6, 48 Stat. 115, related to apportionment of appropriations, and certification to Secretary of the Treasury, prior to repeal by act Sept. 8, 1950, ch. 933, § 3, 64 Stat. 823.

## AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-220 substituted "Secretary" for "Secretary of Labor" in concluding provisions.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, set out as a note under section 49a of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 49d, 49f of this title.

**§ 49f. Percentage disposition of allotted funds****(a) Use of 90 percent of funds allotted**

Ninety percent of the sums allotted to each State pursuant to section 49e of this title may be used—

(1) for job search and placement services to job seekers including counseling, testing, occupational and labor market information, assessment, and referral to employers;

(2) for appropriate recruitment services and special technical services for employers; and

(3) for any of the following activities:

(A) evaluation of programs;

(B) developing linkages between services funded under this chapter and related Federal or State legislation, including the provision of labor exchange services at education sites;

(C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;

(D) developing and providing labor market and occupational information;

(E) developing a management information system and compiling and analyzing reports therefrom; and

(F) administering the work test for the State unemployment compensation system and providing job finding and placement services for unemployment insurance claimants.

**(b) Use of 10 percent of funds allotted**

Ten percent of the sums allotted to each State pursuant to section 49e of this title shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

(1) performance incentives for public employment service offices and programs, consistent with performance standards established by the Secretary, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;

(2) services for groups with special needs, carried out pursuant to joint agreements between the employment service and the appropriate local workforce investment board and chief elected official or officials or other public agencies or private nonprofit organizations; and

(3) the extra costs of exemplary models for delivering services of the types described in subsection (a) of this section.

**(c) Joint funding**

(1) Funds made available to States under this section may be used to provide additional funds under an applicable program if—

(A) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;

(B) such program serves the same individuals that are served under this chapter;

(C) such program provides services in a coordinated manner with services provided under this chapter; and

(D) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(2) For purposes of this subsection, the term “applicable program” means any workforce investment activity carried out under the Workforce Investment Act of 1998.

**(d) Performance of services and activities under contract**

In addition to the services and activities otherwise authorized by this chapter, the Secretary or any State agency designated under this chapter may perform such other services and activities as shall be specified in contracts for payment or reimbursement of the costs thereof made with the Secretary or with any Federal, State, or local public agency, or administrative entity under the Workforce Investment Act of 1998, or private nonprofit organization.

**(e) Provision of services as part of one-stop delivery system**

All job search, placement, recruitment, labor employment statistics, and other labor exchange services authorized under subsection (a) of this section shall be provided, consistent with the other requirements of this chapter, as part of the one-stop delivery system established by the State.

(June 6, 1933, ch. 49, § 7, as added Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), Oct.

13, 1982, 96 Stat. 1394; renumbered title VI, § 601(c), Pub. L. 100-628, title VII, § 712(a)(1), (2), Nov. 7, 1988, 102 Stat. 3248; amended Pub. L. 101-392, § 5(b), Sept. 25, 1990, 104 Stat. 759; Pub. L. 105-220, title III, §§ 305, 310, Aug. 7, 1998, 112 Stat. 1081, 1086.)

## REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsecs. (c)(2) and (d), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

## PRIOR PROVISIONS

A prior section 49f, act June 6, 1933, ch. 49, § 7, 48 Stat. 115, related to ascertainment of amounts due to States, and certification to the Secretary of the Treasury, prior to repeal by act Sept. 8, 1950, ch. 933, § 3, 64 Stat. 823.

## AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-220, § 305(1), substituted “local workforce investment board” for “private industry council”.

Subsec. (c)(2). Pub. L. 105-220, § 305(2), substituted “any workforce investment activity carried out under the Workforce Investment Act of 1998.” for “any program under any of the following provisions of law:

“(A) The Carl D. Perkins Vocational and Applied Technology Education Act.

“(B) Section 123, title II, and title III of the Job Training Partnership Act.”

Subsec. (d). Pub. L. 105-220, § 310, substituted “Secretary or with” for “Secretary of Labor or with”.

Pub. L. 105-220, § 305(3), substituted “Secretary or any State” for “United States Employment Service or any State” and “Workforce Investment Act of 1998” for “Job Training Partnership Act”.

Subsec. (e). Pub. L. 105-220, § 305(4), added subsec. (e). 1990—Subsecs. (c), (d). Pub. L. 101-392 added subsec. (c) and redesignated former subsec. (c) as (d).

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-220 effective July 1, 1999, see section 311 of Pub. L. 105-220, set out as a note under section 49a of this title.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date note under section 3423a of Title 20, Education.

## EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which was formerly classified to section 1591(i) of this title.

**§ 49g. State plans****(a) Submission to Secretary**

Any State desiring to receive assistance under this chapter shall submit to the Secretary, as part of the State plan submitted under section 2822 of this title, detailed plans for carrying out the provisions of this chapter within such State.

**(b) Contents of plans**

Such plans shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement of such persons, and for the designation of at least one person in each